

# DSM Food Specialties USA, Inc.

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Date: August 16, 2005

Arthur Neal, Director, Program Administration

National Organic Program

USDA-AMS—TMP—NOP

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Dear Mr. Neal,

**Re: Docket No. TM-04-07, Submission of Comments in Response to ANPRM Concerning NOP Sunset Review**

DSM Food Specialties USA, Inc. (DFS) submits its response to the Advance Notice of Proposed Rulemaking ("ANPRM") (Docket No. TM-04-07) requesting comments regarding the allowed use of synthetic and non-synthetic substances in organic production and handling, which use shall expire on October 21, 2007, as required by the Organic Foods Production Act of 1990 ("OFPA"). Cf. 70 Fed. Reg. 35,177 (June 17, 2005).

We support the list as published, and would like to especially support the following materials as listed in section § 205.605 (a):

- Enzymes
- Dairy cultures.
- Yeast – nonsynthetic

**Enzymes**

DFS fully supports the response as submitted by the Enzyme Technical Association regarding the continued allowance of the enzymes identified for use in "organic products" in the National List of Allowed and Prohibited Substances ("National List") section § 205.605 (a).

## Dairy cultures

DFS also believes that the exemption for the use of Dairy Cultures should be renewed. This is based on the following reasons: dairy cultures do not have an adverse impact on humans or the environment; they are essential for organic production, and they are compatible with organic production practices.

Dairy cultures do not have adverse impacts on humans or on the environment. Dairy Cultures do not cause environmental contamination during manufacture, use, misuse, or disposal [Sec. 6518 m.3]. As naturally occurring microorganisms, dairy cultures are not harmful to the environment [Sec. 6517c(1)(A)(i); 6517(c)(2)(A)i]. Dairy cultures do not contain EPA List 1, 2, or 3 inerts [Sec. 6517c(1)(B)(ii)]. As naturally occurring microorganisms, dairy cultures do not have the potential for detrimental chemical interaction with other materials used [Sec. 6518 m.1]. Dairy cultures do not have adverse biological and chemical interactions in agro-ecosystems [Sec. 6518 m.5]. They do not have detrimental physiological effects on soil organisms, crops, or livestock, as they are naturally occurring in the environment. [Sec. 6518 m.5]. There is no toxic or other adverse action of dairy cultures or their breakdown products in the environment [Sec. 6518 m.2]. There is no undesirable persistence or concentration of the cultures or their breakdown products in the environment. [Sec. 6518 m.2]. Dairy cultures are naturally occurring microorganisms. They are not pathogenic and so there are no regularly occurring harmful effects on human health [Sec. 6517c(1)(A)(i); 6517c(2)(A)i; Sec. 6518 m.4].

Dairy cultures are essential for organic production. They are not formulated nor manufactured by a chemical process [6502 (21)]. They are not formulated nor manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources [6502 (21)]. In fact, they are created by the natural growth process of naturally occurring microorganisms [6502 (21)]. There are no wholly natural substitute products for dairy cultures as they are the wholly natural product [Sec. 6517c(1)(A)(ii)]. Dairy cultures are used in handling and they are not synthetic, but they are not organically produced [Sec. 6517c(1)(B)(iii)]. There are no alternative substances to dairy cultures [Sec. 6518 m.6] and there are no other practices that would make them unnecessary [Sec. 6518 m.6].

Dairy cultures are compatible with organic production practices. They are consistent with organic farming and handling [Sec. 6517c(1)(A)(iii); 6517c(2)(A)(ii)]. Because they are naturally occurring microorganisms, dairy cultures are compatible with a system of sustainable agriculture [Sec. 6518 m.7]. Dairy cultures are used in production, and do not contain an active synthetic ingredient in the following categories:

- a. copper and sulfur compounds;

- b. toxins derived from bacteria;<sup>1</sup>
- c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals
- d. livestock parasiticides and medicines
- e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners.

In summary, Dairy cultures do not have an adverse impact on either humans or on the environment. They are essential for organic production and are compatible with organic production practices. For these reasons, as discussed above, the Secretary of Agriculture should renew the exemption for dairy cultures provided in 7 C.F.R. § 205.605(a). Dairy cultures are critical to the handling and production of a variety of organic agricultural products, and the expiration of their exempt status would disrupt well-established and accepted organic production and handling practices. DFS therefore seeks the continued exemption of dairy cultures as nonsynthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”

### **Yeast - nonsynthetic**

Finally, DFS believes that exemption for nonsynthetic yeast (Autolysate; Bakers; Brewers; Nutritional), when grown in a manner that is compatible with organic production practices, should be renewed. This is based on the following reasons: nonsynthetic yeast do not have an adverse impact on humans or the environment; they are essential for organic production, and they are compatible with organic production practices.

Nonsynthetic yeast do not have adverse impacts on humans or on the environment. Nonsynthetic yeast do not cause environmental contamination during manufacture, use, misuse, or disposal [Sec. 6518 m.3]. As naturally occurring microorganisms, nonsynthetic yeast are not harmful to the environment [Sec. 6517c(1)(A)(i); 6517(c)(2)(A)i]. Nonsynthetic yeast do not contain EPA List 1, 2, or 3 inerts [Sec. 6517c(1)(B)(ii)]. As naturally occurring microorganisms, nonsynthetic yeast do not have the potential for detrimental chemical interaction with other materials used [Sec. 6518 m.1]. Nonsynthetic yeast do not have adverse biological and chemical interactions in agro-ecosystems [Sec. 6518 m.5]. They do not have detrimental physiological effects on soil organisms, crops, or livestock, as they are naturally occurring in the environment. [Sec. 6518 m.5]. There is no toxic or other adverse action of nonsynthetic

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<sup>1</sup> Dairy cultures that are used in food production are non-toxigenic and do not produce toxins

yeast or their breakdown products in the environment [Sec. 6518 m.2]. There is no undesirable persistence or concentration of the cultures or their breakdown products in the environment. [Sec. 6518 m.2]. Nonsynthetic yeast are naturally occurring microorganisms. They are not pathogenic and so there are no regularly occurring harmful effects on human health [Sec. 6517c(1)(A)(i); 6517c(2)(A)i; Sec. 6518 m.4].

Nonsynthetic yeast are essential for organic production. They are not formulated nor manufactured by a chemical process [6502 (21)]. They are not formulated nor manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources [6502 (21)]. In fact, they are created by the natural growth process of naturally occurring microorganisms [6502 (21)]. There are no wholly natural substitute products for nonsynthetic yeast as they *are* the wholly natural product [Sec. 6517c(1)(A)(ii)]. Nonsynthetic yeast are used in handling and they are not synthetic, but they are not organically produced [Sec. 6517c(1)(B)(iii)]. There are no alternative substances to nonsynthetic yeast [Sec. 6518 m.6] and there are no other practices that would make them unnecessary [Sec. 6518 m.6].

Nonsynthetic yeast are compatible with organic production practices. They are consistent with organic farming and handling [Sec. 6517c(1)(A)(iii); 6517c(2)(A)(ii)]. Because they are naturally occurring microorganisms, nonsynthetic yeast are compatible with a system of sustainable agriculture [Sec. 6518 m.7]. Nonsynthetic yeast are used in production, and do not contain an active synthetic ingredient in the following categories:

- a. copper and sulfur compounds;
- b. toxins derived from bacteria;<sup>2</sup>
- c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals
- d. livestock parasiticides and medicines
- e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners.

In summary, Nonsynthetic yeast do not have an adverse impact on either humans or on the environment. They are essential for organic production and are compatible with organic production practices. For these reasons, as discussed above, the Secretary of Agriculture should renew the exemption for nonsynthetic yeast provided in 7 C.F.R. § 205.605(a). Nonsynthetic yeast are critical to the handling and production of a variety of organic agricultural products, and the expiration of their exempt status would disrupt well-established and accepted organic production and handling practices.

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<sup>2</sup> Nonsynthetic yeast that are used in food production are non-toxicogenic and do not produce toxins

DFS therefore seeks the continued exemption of nonsynthetic yeast as nonsynthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”

Sincerely,

A handwritten signature in black ink, appearing to read "Trish Dawson". The signature is fluid and cursive, with the first name "Trish" written in a more compact, stylized manner and the last name "Dawson" written in a more extended, flowing script.

Trish Dawson  
QESH Manager DFS-USA